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SIPDIS

FROM USMISSION UNESCO PARIS
SENSITIVE BUT UNCLASSIFIED
STATE PLS PASS TO USTR BALASSA
GENEVA PLS PASS TO USTR GREENIDGE

E.O. 12958: N/A

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SUBJECT: UNESCO: CULTURAL DIVERSITY CONVENTION UPDATE

REF: PARIS 04145

1. (U) This is an action request. See para. 13

2. (U) This will be the first of periodic updates on the current state of play at UNESCO of the draft cultural diversity convention.

3. (U) The secretariat is preparing its final report that will accompany the draft convention. We have seen a draft of the report, and it accurately reflects US formal objections raised during negotiations. It also reflects the objections of other countries and notes that Argentina has withdrawn its objections.

4. (SBU) We have been told that the French, Swiss and Luxembourg ambassadors separately met with the Director General to discuss the DG's comments that an attempt must be made to reach consensus. We are told the Swiss ambassador informed the DG that Switzerland fully supports the draft convention, contrary to reports we heard from Geneva that the Swiss cultural expert went beyond his instructions.

5. (SBU) We also received a report that the French ambassador told the DG that France was strongly opposed to reopening the convention as only one country had not joined the consensus. (Note: Obviously there can be no "consensus" if one country disagrees). The French ambassador also told the DG that the US would always have formal objections. (Note: Our contact in the secretariat indicated that France is anxious to avoid reopening the convention because it feels that it had already given too much during the negotiations.)

6. (U) Embassy Madrid passed on an informal read-out of a culture ministers' meeting there the weekend of June 11-12. They report it was celebratory and that 70 participants, including 45 culture ministers signed a petition urging that the current text be passed by the General Conference.

7. (U) We heard subsequently that Jaime Nualart Sanchez, the Mexican vice minister of culture also attended the meeting. Sanchez is the chair of the UNESCO General Conference fourth commission which deals with cultural matters and will take the draft convention under consideration this fall. We are told Sanchez said that he agreed with Canada that formal debate on the convention should not be reopened but that there should be intensive informal discussions and consultations in the corridors.

8. (U) There is a lot of boosterism for the draft convention at UNESCO. In remarks to a forum on the future of UNESCO, former UN Secretary General Boutros Boutros-Ghali spoke enthusiastically about the draft convention and the reception it had received in Madrid. When asked by a member of the US Mission what role governments and international law actually have in promoting cultural diversity, whether governments should pick the cultural products their citizens consume and whether this convention contravened UNESCO's constitutional mandate to promote the free flow of information, Boutros-Ghali was unable to answer. We have had positive feedback about the content of the question from the Lebanese, Japanese and Iranian ambassadors. (Comment: This may be a fruitful line of discussion as we reach out to other states.)

9. (SBU) Delegates from friendly EU countries shared a draft letter with us that was to be sent to Ambassador Oliver by the Luxembourg ambassador and head of the EU observer delegation taking issue with a sentence in our final intervention that stated, "In fact, the trade agenda was so compelling that we even had to bend UNESCO's long-established rules to accommodate the participation of the European Commission, which has competency for trade, not culture." While cooler heads prevailed and the letter was not sent, it did not prevent Hans-Heinrich Wrede the German ambassador and president of the Executive Board from sending a letter on June 23 that he also copied to the DG and all

national delegations taking us to task for using the word "bend" to describe the decide to grant the EC "enhanced" observer status.

¶10. (SBU) During a visit to Portugal June 16-19 with other UNESCO ambassadors, Ambassador Oliver was asked numerous times what the US plans to do next. (Comment: We interpret this to reflect anxiety among certain delegations that the US was pushed too far during the negotiations.) Most who spoke with the Ambassador asked to be briefed as soon as the US settles on what steps to take next.

¶11. (SBU) The Senegalese deputy told the DCM that Dakar would be open to our entreaties about fixing the convention but warned that just asking for the convention to be killed would not work. We had to have solid suggestions. He also mentioned that the Francophonie gives a lot of money to Senegal for film production but there is no distribution mechanism so the films seldom come to market. When asked what Senegal had gained from the convention, he answered, "nothing."

¶12. (SBU) In a separate conversation, the Beninese deputy told the DCM that the hostility to the US during the negotiations was a way to punish the US for its 19-year absence from UNESCO. (Note: This is the first time we have heard this.) He also emphasized that support for changing the convention has to come from capitals and that the USG has to make strong demarches. He also expressed disgust that the Francophonie and France had taken Francophone Africa's support for granted, implying that the US should not write off Francophone countries.

¶13. (U) Action requested: Please provide instructions and talking points for engagement with other delegations and UNESCO's secretariat.

OLIVER